

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ERIC GARCIA,

Plaintiff

v.

DR. REESE, *et al.*,

Defendants

Case No. 2:23-cv-01023-APG-DJA

ORDER

I. DISCUSSION

In response to this Court's earlier order, Plaintiff Eric Garcia, an inmate in the custody of the Nevada Department of Corrections ("NDOC"), filed an application to proceed *in forma pauperis*. (ECF Nos. 4, 6). However, Plaintiff's application to proceed *in forma pauperis* is incomplete. (ECF No. 6). Plaintiff has not submitted an application to proceed *in forma pauperis* with a signed penalty of perjury page (page 3 of the application), a completed financial certificate, and a copy of Plaintiff's inmate trust fund account statement. The Court will deny Plaintiff's application without prejudice and give Plaintiff the opportunity to correct these deficiencies **by October 13, 2023**.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account**

1 **statement for the previous six-month period.** See 28 U.S.C. § 1915(a)(1)–(2); Nev.
2 Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her
3 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.
4 See 28 U.S.C. § 1915(b).

5 **II. CONCLUSION**

6 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No.
7 6) is denied without prejudice.

8 It is further ordered that Plaintiff has **until October 13, 2023**, to either pay the full
9 \$402 filing fee or file a new fully complete application to proceed *in forma pauperis* with
10 all three required documents: (1) a completed application with the inmate's two signatures
11 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
12 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the
13 previous six-month period.

14 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
15 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
16 to refile the case with the Court, under a new case number, when Plaintiff can file a
17 complete application to proceed *in forma pauperis* or pay the required filing fee.

18 The Clerk of the Court is directed to send Plaintiff the approved form application to
19 proceed *in forma pauperis* for an inmate and instructions for the same.

20
21 DATED: 9/12/2023

22 
23 _____
UNITED STATES MAGISTRATE JUDGE